

discuss using a session identification (SID) to allow a user to access various files and/or pages. Col. 3, lines 11-21 and 50-55. Applicant respectfully submits that Levergood et al. do not disclose providing a level of wellness related services dependent on a user access code.

The Office Action states that Szabo discloses a system in which a user can send requests and information to a wellness-related site, wherein the users get different types of service. Szabo discusses providing nutritional supplements and proposals to users. Col. 5, lines 11-14; Col. 6, lines 5-11; and Col. 10, lines 35-37. Applicants respectfully submit that Szabo does not disclose assigning an access code to the user, the access code defining a level of wellness-related services available to the user. The Office Action further states that it would have been obvious to use the authorization method taught by Levergood et al. in a wellness-related site taught by Szabo. Applicant respectfully submits that neither Levergood et al. nor Szabo contain any teachings or motivation to combine the session ID network invention of Levergood et al. with the nutritional supplement database access of Szabo.

The Office Action states that Baker et al. disclose a system for selectively controlling access to a central information source wherein a requesting machine ID is verified by a server and compared to a list of ID stored in a database in order to allow the requesting machine to access the server. Applicant respectfully submits that Baker et al. do not disclose assigning an access code to a user where the access code defines a level of wellness-related services available to the user. Applicant respectfully submits that neither Levergood et al., Szabo, or Baker et al., either alone or in combination, teach the presently recited invention of claim 1 which includes assigning an access code to a user, where the access code defines a level of wellness-related services available to the user.

Claim 12 recites a method further comprising the step of adapting the level of services provided to the user based on the user's lifestyle information. Applicant respectfully submits that none of the above cited references disclose adapting the level of services provided to the user based on the user's lifestyle information. In particular, Applicant respectfully submits that Szabo does not disclose adapting the level of services provided to the user based on the user's lifestyle information.

The Office Action also states that Szabo discloses assigning users to control groups and providing goods and services including improvement plans to users based on the groups. Szabo discusses optimizing nutritional supplementation for groups where the groups can be, for example, a family, a scout troop or recipients of school cafeteria food. Col. 2, lines 18-41. Claim 27 recites providing at least one control group, each control group including at least one authorized user and assigning the user to one of the control groups. Apparently, Szabo discusses pre-existing groups having members already assigned as a member of the group, for example prison inmates or families. Col. 2, lines 18-41. Applicant respectfully submits that Szabo does not disclose assigning the user to one of the control groups. Claim 28 recites providing information or goods to the user based on a control group to which the user has been assigned. Claim 31 recites adjusting a user improvement plan for each user in the user's control group based on the stored group result data. Applicant respectfully submits that Szabo does not disclose adjusting a user improvement plan for each user according to the authorized user's control group based on the stored group result data.

Applicant respectfully submits that Claim 1 and the claims dependent therefrom are patentable over Levergood et al. in view of Szabo and further in view of Baker et al.

Claims 38-40, 43, 45-53, and 60-67 were rejected under 35 U.S.C. 103(a) as unpatentable over Levergood et al., in view of Szabo. Claim 38 recites a method of providing wellness-related services through a distributed communication network comprising sending a request from a portal to an online wellness-related site processing the request at a controller to determine whether the request was received from an authorized user, assigning an access code to the user if the user is authorized, the access code defining a level of wellness-related services available to the user, and providing services to the user through the distributed network that correspond to the user's access code. The Office Action states that it would have been obvious to use an authorization method taught by Levergood et al. in a wellness-related site taught by Szabo. Applicant respectfully submits that neither Levergood et al. nor Szabo teach assigning an access code to a user where the access code defines a level of wellness-related services available to the user. Applicant further submits that neither Levergood et al. nor Szabo contain any teaching of the desirability of providing an access code defining a level of wellness-related services available to a user. Applicant respectfully submits that Claim 38 is patentable over Levergood et al. in view of Szabo.

The Office Action states, with respect to Claim 46, that Szabo discloses adapting the level of services provided to the user based on the user's lifestyle information. Claim 46 recites a method, as in Claim 45, further comprising a step of adapting the level of services provided to the user based on the user's lifestyle information. Applicant respectfully submits that Szabo does not teach providing wellness-related services, where a user access code defines the level of wellness-related services available to the user, wherein the level of services provided to the user is based on the user's lifestyle information.

Claim 65 recites adjusting the user improvement plan for each user in the user's control group based on the stored group result data. Applicant respectfully submits that Szabo does not disclose adjusting an improvement plan for a user based on the stored group result data. This aspect of the present invention allows for adjusting an individual's improvement plan when the plan is not providing the expected results for the group as a whole, based on the group result data. The Office Action further states, with respect to Claim 66, that Szabo discloses checking if a user improvement plan for users in a control group needs to be adjusted. Claim 66 recites a method, as in Claim 63, further comprising providing an alarm signal to a system administrator if the user improvement plan for the users in a control group needs to be adjusted. Applicant respectfully submits that Szabo does not teach providing an alarm signal to a system administrator if the user improvement plan for the users in a control group needs to be adjusted. This automatic adjustment alarm feature of the present invention allows the system to be adjusted if the group is not progressing according to plan.

Claim 61 recites a method, as in Claim 38, further comprising providing at least one control group and assigning a user to one of the control groups. Applicant respectfully submits that Szabo does not teach assigning a user to a control group. Applicant respectfully submits that Claim 38, and the claims dependent therefrom, are patentable over Levergood et al. in view of Szabo.

Claims 3, 6-8, 10-25, 41-42, 44, 54-59, 68-71, and 73-80 were rejected under 35 U.S.C. 103(a) as unpatentable over Levergood et al. in view of Szabo and Baker et al. (U.S. Patent No. 5,678,041) and further in view of Britt. Applicant respectfully submits that the claims 3, 6-8, 10-25, 41-42, 44, 54-59 are dependent from independent Claims 1 and 38, previously discussed. For all of the reasons discussed above, Applicant respectfully submits that the aforementioned claims are also patentable over the cited references.

Claim 68 recites a method of providing wellness related services comprising placing in communication at least one of a sponsored and nonsponsored portal to an online site through a publicly accessible distributed network, processing the request at the online site to determine whether the portal was sponsored, and responding to the request based in part on whether the portal was sponsored. Claim 74 recites a system for providing access to wellness related services comprising an authorization procedure for authorizing access based at least in part on whether the portal is a sponsored portal. Applicant respectfully submits that none of the aforementioned references disclose a method or a system in which the response is based on whether a portal is sponsored. Applicant respectfully submits that claims 68-71, and 73-80 are patentable over the above cited references.

Applicant respectfully draws the examiner's attention to claims which include a determination as to whether a portal is a sponsored or a nonsponsored portal. These claims include claim 5, 7, 8, 24, 25, 42, 57, 58, 59, 68 and 74. As discussed on page two of the specification, first paragraph, a sponsored portal could be a kiosk placed in a health club, fitness center or shopping mall. An example of a nonsponsored portal is an authorized user's home computer. The sponsor of a portal, for example the aforementioned health club, fitness center, or shopping mall, may have a commercial interest in having the content of the portal directed to products or services available at that health club, fitness center or shopping mall. These sponsored portals are provided as examples to illustrate one advantage of one aspect of the present invention.

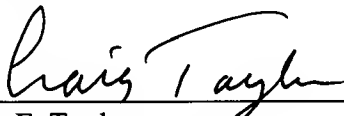
Claim 72 was rejected under 35 U.S.C. 103(a) as unpatentable over Levergood et al., in view of Szabo, Baker et al. and Britt, further in view of Salus Media Inc. (PCT No. W099/03045). Claim 72 depends from claim 68. For the reasons discussed above with respect to claim 68, Applicant respectfully submits that claim 72 is also patentable over the cited references.

The Office Action has cited Baker et al. as making unpatentable some of the claims of the present invention, including claims reciting sponsored versus nonsponsored portal determination. Applicant respectfully submits that Baker et al. discuss restricting specific system users from accessing information from certain public or otherwise uncontrolled databases. See Abstract. Applicant respectfully submits that Baker et al. do not mention sponsors or sponsorship of portals. Applicant further submits that Baker et al. do not teach the concept or desirability of having sponsored portals and further do not teach or disclose even the desirability of tailoring content dependent on the sponsorship or nonsponsorship of portals. For the above cited reasons applicant respectfully submits that the aforementioned claims are patentable over the cited references.

Applicant respectfully submits that Claims 1-80 are patentable over the references cited in the Office Action. Issuance of a Notice of Allowance in due course is respectfully requested. Re-examination and reconsideration of all claims is requested. If a telephone conference would be of assistance, please do not hesitate to contact the undersigned attorney at the telephone number below.

Respectfully submitted,

Dated: Apr. 27, 2001



Craig F. Taylor
Registration No. 40,199
Fredrikson & Byron, P.A.
1100 International Centre
900 Second Ave. South
Minneapolis, MN 55402-3397
(612) 347-7016

::ODMA\PCDOCS\FBDOCS1\2507297\1